

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8309 OF 2005

Mr. Dilip Govind Sathe . . . Petitioner.

vs.

The Special Recovery Officer
& Cell Officer, Jankalyan
Sahakari Bank Ltd., & Anr. . . Respondents.

Mr. V.P. Warunjikar for petitioner.

Mr. Sailesh Shah for respondents.

CORAM : S.U. KAMDAR, J.

DATE : 6th December, 2005.

P.C.:

. By consent of the parties, the following
order is passed:-

. Attachment order made herein to continue.
However, the respondent bank not to sell the
property if the petitioner deposits a sum of Rs. 5
lacs on or before 20.2.2006 and gives a written
undertaking within a period of two weeks from today
that till and until further orders from this Court
he will not alienate, encumber or create any third

party right in respect of the house premises which is the subject matter of the attachment. However, he will be at liberty to enter into contract for sale of FSI in respect of the said property. It is made clear that no construction pursuant to the sale of FSI will be commenced on the said property pursuant to the said sale till further orders are passed. If the aforesaid amount is deposited the respondent bank shall take all necessary steps to execute the decree even also against the borrower and other guarantors if the respondent bank does not recover full dues from the borrower and the other guarantors then the respondent bank will be at liberty to continue execution against the property which is the subject matter of the attachment under the impugned order and sell the said property in execution thereof and recover the amount due. Petition disposed of accordingly. No order as to costs.